The
REPORTER
For Conscience' Sake

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FEDERAL PRISONS REPORT REVEALS CO PRISONER STATISTICS

The 1952 Federal Prisons Report, printed at the Leavenworth, Kansas, penitentiary, contains many interesting figures on COs and other Selective Service violators. During the fiscal year ended June 30, 1952, 12 philosophical objectors, 53 religious objectors, and 99 Jehovah's Witnesses were received by the prisons from the courts. The actual number of prisoners on June 30, 1952, included 15 philosophical objectors, 100 Jehovah's Witnesses, and 56 religious objectors. During the same year 7 philosophical objectors, 21 Jehovah's Witnesses, and 25 religious objectors were released from prison. Of these, 7 POs (philosophical objectors) 18 JWs, and 23 ROs (religious objectors) had been sentenced over a year. Of these 4 POs, 14 JWs and 19 ROs were released on parole; but 3 POs, 2 JWs, and 2 ROs were released only on expiration of sentence. Of those with less than one year sentences, 3 JWs and 2 ROs were released at end of sentence. By age, 92 Selective Service violators (including others in addition to POs, JWs, ROs) were under 21, and 181 were over 21. Of the total committed to prison during the year, 3 JWs, one PO, and one RO had one previous commitment. One JW and one PO had two previous commitments.

The breakdown of a grand total of 273 Selective Service violators of all types, in terms of length of sentence, is as follows: under one month, one; one to 3 months, 9; 3 to 6 months, 6; 6 months to a year and a day, 20; one year and a day, 26; one year and a day to 2 years, 22; 2 to two and a half years, 52; two and a half to 5 years, 95; 5 to 10 years, 43.

The average sentence of 4 POs who were released on parole was 25.5 months,

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Government Releases and Communications Reveal Significant Data

Each month yields many releases, letters and personal conversations with governmental agencies of interest to conscientious objectors. Following are résumés of some of these items.

Supreme Court Case Outcome

In a conversation with some Consultative Council members, members of SS legal staff predicted that if the Supreme Court upholds the decision of the District Court in the Nugent and Packer cases, the law may be changed to eliminate the FBI investigation and the hearing of COs by hearing officers before the state appeal board acts. This outcome may be both good or bad for COs, depending upon individual circumstances.

I-Ws Released If Unemployment

It was repeatedly pointed out in personal conversations that if there should develop a situation of general unemployment in an area, I-Ws will be released to accommodate other applicants, even though the 24 months of service has not yet expired.

Chelf Committee Discussions

The NSB secretary copied in longhand the part of the transcript of the Chelf Committee investigating the Justice Department in which the CO problem was discussed in relation to the President's assistant, David Niles. Representative Keating questioned Lamar Caudle, former Justice assistant, regarding calls from Mr. Niles on behalf of COs. Copies of the testimony are available from the committee.

Operations Bulletin on Theological Schools

A recent SS operations bulletin states that it is the responsibility of the local board to determine whether or not a theological or divinity school is recognized as such within the provisions of 6(g) and whether the religious organization is recognized as such. In cases of difficulty the local board may seek the advice of the state and national director in the matter. Obviously, this directive increases the authority of the local board. It can overrule a church agency which says it operates an accredited seminary. Many local boards will probably use the 1950 booklet "Theological School Enrollments" sent out by Selective Service, but now apparently regarded by them as too liberal.

Conscience Not Beyond Control

A Selective Service monthly bulletin

(Continued on next page)

WORDS OF CAUTION

Recently several incidents occurred which lead to the following suggestions: (1) A CO registrant should utilize every procedural opportunity afforded him, such as the optional personal appearance before the local board and optional hearing before the hearing officer. A man recently had his claim turned down on the grounds that he did not show great ardor for his belief in not showing up before the hearing officer. (2) The responsibility for a summary of the personal appearance being in the file lies with the registrant himself. This is very important in case of appeal or court proceedings. (3) The conscientious convictions of a CO are, after all, uppermost. The file should reflect this properly. A file overbalanced with legal technicalities and short on expression of convictions may give incorrect impressions to those officials who study it.

The Reporter

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GOVERNMENT RELEASES

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cites the JW (Jehovah's Witness) case of Wallace Schoebel in which the contention was made that conscientious objection resulting from the promptings of conscience would result in a status over which the registrant had no control. The court said, among other things, "We cannot acquiesce in such a strained interpretation of the regulation." This illustrates again the difficulty faced by those who develop their beliefs after they register or fill in Form 100.

Justice Department on COs

In a letter to NSB, the assistant Attorney General says, regarding probation, "the length and conditions of the sentence are matters solely within the discretion of the Court presiding over the case." Regarding second prosecutions he says, "this Department is not anxious to require prosecution of persons who violate the act a second time." He then goes on, however, to cite the *Goodrich* vs. *United States* case (146 F. 2d 265) giving a precedent for second prosecutions. He states, with reference to hearing officer reports, "the hearing officer's report has never been considered one to the State Appeal Board but rather a report to the Department of Justice." He justifies the new procedure of a Justice Department report being a substitute for the hearing officer's report in a man's file. Regarding parole, Justice Department says the few COs affected makes the setting up of a special parole procedure, as done in World War II, unwarranted.

Interview on Hearing Officers

In an interview on appointment of hearing officers it was pointed out by Justice Department officials that the U. S. attorney for an area is the key man in recommending men for appointment as hearing officers. Counsellors interested in this problem might do well to contact the U. S. Attorney for an area.

Internship Not I-W Service

In a letter from SS, it was pointed out that internship on the part of a special registrant would not count as I-W service. The two years of civilian work would have to be done in addition to the years of internship.

"So Help Me God"

A communication from the Immigration and Naturalization Service, in response to NSB's inquiry, indicated they would not eliminate the use of "So Help Me God" in the naturalization oath at this time. No provision exists for persons to "affirm" rather than to take this oath when being naturalized. Since, however, the form of the oath is by regulation, rather than by law, they conclude: "Any issue raised concerning any change in the oath of allegiance by a particular petitioner should be determined by the court which is hearing the individual petition."

Oklahoma Oath Unconstitutional

A steady flow of copies of Supreme Court opinions reaches NSB. The *Wieman* v. *Updegraff* opinion, in effect, makes unconstitutional the Oklahoma Loyalty Oath. The statements of individual justices is encouraging to those who believe in freedom of speech.

New Form 150

A new Form 150 was released 1-21-53, but only a few minor changes were made. Local boards have instructions to use the forms printed 4-22-52 until the supply is exhausted.

Less Prison Segregation

A very interesting letter to a Consultative Council member, from the Bureau of Prisons, describes the steps taken to gradually eliminate racial segregation in prisons. For example, boxing matches are now interracial, but formerly were only among members of the same race.

Bills on Military Service

A stream of bills regarding military service also reaches us. Currently, a few include bills for various forms of UMT, training of nurses, consideration of previous military service, to extend length of service to 3 years, local board publication of all data on deferment of men in its jurisdiction, agricultural deferment, and the like. Probably few, if any, will be considered seriously.

ROTC

Letters from the Army, Navy, and Air Force, state that whether or not a man takes ROTC training in college is a matter for college authorities to decide. However, they fail to state under what circumstances any agreement by colleges with the Defense Department may be terminated. Presumably the exemption of many men from ROTC would result in loss of the contract for ROTC, with its thousands of dollars, by the colleges.

No CO Program Change Seen

Dewey Short, Chairman of the House Armed Services Committee, writes in a communication to NSB: "I do not anticipate at present that any legislative changes will be made in the (civilian service) program during this Congress."

I-Ws Not to Receive 110

A letter from National Selective Service to state directors advises the latter to recall that Section 1623.4 of the regulations states that a registrant in I-C or I-W *shall not* be mailed a notice of these classifications. This is to correct the procedure of some boards who sent I-Ws a new notice of classification.

COs Entitled to Physical

In a communication to George Loft, Selective Service states that a CO registrant is entitled to a physical examination after June 19, 1951, when the law to draft COs went into effect. This means that a CO examined before that date is entitled to a reexamination.

LEGAL NOTES

A very helpful booklet for lawyers working on CO cases is by Hayden C. Covington, General Counsel for Jehovah's Witnesses, entitled "Memorandum for Attorneys Representing Jehovah's Witness in Draft Cases." It can probably be secured by interested lawyers by writing to the author at 124 Columbia Heights, Brooklyn 2, N. Y.

* * *

Robert Myers, attorney at NSB, has written a penetrating analysis on the subject of "Counselling CO's," in which he points out, from a legal point of view, the difference between legal and illegal counselling. Copies can be secured by sending five cents to NSB and making a request.

ATTEMPTS IN LEGISLATION FOR CPS RECOGNITION

The "doctors draft" will expire next summer and attempts are being made to write CPS recognition into any continuation of the law. AFSC, FCNL, BSC, MCC, NSB and other agencies are working on this and may present testimony when the bill reaches the two Armed Services Committees. As this is written the Bureau of the Budget is clearing the proposed legislation with various concerned governmental agencies. It is predicted by some that the pleas of these agencies will be heeded by administration personnel before the bill goes to CPS recognition in the course of consideration by the Armed Services Committees.

JOB VACANCIES

Space has not permitted the listing of all job openings in the REPORTER as they became known during the past few months. However, some will be listed from time to time. For a complete listing of all approved agencies and institutions, send for NSB's 48-page list of job opportunities, priced at 20 cents and postage. We will also be glad to share what information we have on any given agency or institution upon request. *Write to Referral Service, 1105 K St., N.W., Washington, D. C.* Below are a few of the many openings which have come to our attention.

Attendants, beginning at 192 dollars per month with annual increment of 10 dollars. Also *orderlies* at slightly less. Also licensed *firemen* at 230 dollars per month and licensed *engineer* at 276 dollars per month. Apply Columbus State School, 1601 West road Street, Columbus 16, Ohio.

Attendants, apply Kentucky State Hospital, Danville, Kentucky.

Attendants, 15 openings. Apply Western State Hospital, Hopkinsville, Kentucky.

Attendants, Maintenance Men, Farmers, at 100 to 150 dollars per month plus maintenance. Jobs for wives may be available. Apply Eastern State Hospital, Lexington, Kentucky or Department of Mental Health, State of Kentucky, Louisville, Kentucky.

Call boy, two orderlies, one surgical technician, several janitors. Apply White Memorial Hospital, 312 North Broyle Avenue, Los Angeles 33, California.

Clerk-typist. Apply NSBRO, 1105 K Street, N.W., Washington 5, D. C.

Dietary workers, prevailing wage scale. No living quarters available on premises. Apply General Rose Memorial Hospital, 1050 Clermont Street, Denver 7, Colorado.

Experimental Workers. Apply National Institute of Health, U.S. Public Health Service, Bethesda, Maryland.

Experimental Workers, eight openings for workers with "educational background and intellectual level above the average" to inaugurate a new program that is being developed on an experimental basis. Apply to Brother Julian, Administrator, Alexian Brothers Hospital, 1200 W. Belden Avenue, Chicago 14, Illinois.

Farm Workers. Salary 115 dollars per month plus 15 dollars bonus, less 25 dollars per month for living costs. Apply to Superintendent, Indiana Village for Epileptics, New Castle, Indiana.

Farm workers, dietary workers, medical technician. Salary 130 dollars per month. Apply Larned State Hospital, Larned, Kansas.

Group worker. Needs to know case or group work and some experience. Job to organize and lead groups. Salary 2900 to 3600 dollars. Begin October 1, 1953. Settlement House Situation. Apply to Miss Rose Steinkrauss, Executive Director, Neighborhood House Association, 628 North Oak Street, Buffalo, New York.

House parents. Live in dormitories with children. Board, room and laundry in addition to cash salary. Apply North Dakota School for the Deaf, Devils Lake, North Dakota.

VACANCIES FOR SPECIAL REGISTRANTS

Elmer Neufeld has compiled a list of job openings for doctors and dentists with the Public Health Service, Department of Interior, Bureau of Indian Affairs, office of Territories, Branch of Alaska Fisheries, Veterans Administration, Department of Commerce, and other federal agencies. The list also includes 18 public and private non-profit agencies across the country looking for special registrants. List available by writing NSBRO.

Night Watchman. Salary 160 dollars per month. Also possible opening for *kitchen supervisor*, 175 to 200 dollars. Also possible need for *play supervisor.* salary 185 dollars per month. Apply State Training School, Mandan, North Dakota.

Orderlies, Four openings at Mansfield General Hospital, Mansfield, Ohio. Salary 145 to 210 dollars per month, plus meals and laundry, salary rate depending upon experience and ability of the employee.

Orderly, salary 25 to 35 dollars per week plus two meals a day. Individual must find own lodging. Apply Georgetown Memorial Hospital, Georgetown, South Carolina.

Orderly and *general cleaning person.* Apply Wooster Community Hospital, Wooster, Ohio.

Physicians, dentists, public health workers. Apply Florida State Board of Health, Jacksonville 1, Florida.

Porter, kitchen helper and *groundkeeper.* Starting salary is 125 dollars per month. Full maintenance available at 50 dollars per month if desired. Vacation pay and sick leave granted. Apply National Jewish Hospital at Denver, 3800-4100 East Colfax Avenue, Denver 6, Colorado.

Psychiatric aides, 12 to 15 openings. Salary 130 dollars per month with periodic consideration for increases. No living facilities on grounds. Twelve working days paid vacation and 15 days sick leave each year. Orientation handbook and application forms available at NSBRO. Apply The Menninger Foundation, Topeka, Kansas.

Radio Technician and *Watch Repairman:* Goodwill Industries, 707 Que Street, Sacramento, California.

Truck Driver: Apply Goodwill Industries, 1130 31st Street, Denver, Colorado. Salary 47.50 dollars for a 45 hour week.

Truck Driver. 125 dollars plus board and room. Apply Goodwill Industries, 786-802 Main Street, Bridgeport 4, Connecticut.

Truck driver, salesman, furniture repairman, upholsterer, furniture painter, electrical repairman, office clerk, shoe repairman. Apply Springfield Goodwill Industries, 139 Lyman Street, Springfield 3, Massachusetts.

Twenty-two jobs were recently listed by BSC. Write to Brethren Service Commission 22 South State Street, Elgin, Illinois.

E & R CHURCH AGENCY TO EMPLOY COs IF APPROVED

The Commission on Benevolent Institutions of the Evangelical and Reformed Churches unanimously approved a motion that the Commission should seek approval for the employment of COs on behalf of those agencies of the church who desire to be approved.

AGENCIES STILL SEEKING RECOGNITION OF CPS SERVICE

In a meeting with General Hershey on March 4, representatives of agencies on the NSBRO raised again the point of recognition for CPS service in cases of ex-CPS men who are liable again for civilian service. The General asked that all individual cases be submitted to him for personal study. He indicated he *might* deduct the length of CPS service from the total of two years, the length of time a registrant is now liable. However, he committed himself to no general or sharply-defined policy. Subsequent to the visit, much data on individual cases of men again liable were submitted. Previously a list of many hundred former CPS men, still in the age group of liable men, was submitted for the record. Only time will indicate the outcome of these efforts.

SERIES XIV

A counsellor asks us to urge all COs to fill in Series XIV on Form 100. Even 1-A-Os are required to do this.

CO STATISTICS

As of the end of March, 1673 I-W men in active civilian service were recorded in national Selective Service offices. Of these 1673, nearly 300 came from each of three states, Indiana, Ohio, and Kansas. Some over a hundred came from each of two additional states, Illinois and Pennsylvania; over 50, but less than 100, came from each of the following: Michigan and Nebraska. Between 25 and 50 came from each of the following states: California, Iowa, Maryland, New Jersey, New York, Oklahoma, Oregon, Virginia. Less than 25 came from each of the following: Alabama, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Kentucky, Massachusetts, Mississippi, Missouri, New Hampshire, North Carolina, North Dakota, South Dakota, Utah, Vermont, West Virginia, Wisconsin. Many of these men are working outside of the states from which they come. Taking account of the time lag in reporting to national Selective Service, it is possible over 2000 men are now in I-W.

* * *

As of February 28, 1953, there were 1627 registrants in I-W (the 1673 above is a later figure), 2281 in I-O examined and acceptable, 2331 in I-O not examined, making a total of 6239 in some CO classification.

* * *

Among special registrants the figures are as follows: Priority I, 18 medical and 4 dental in I-O examined and acceptable, 5 in I-W, and 8 in I-O not examined; Priority II, one medical in I-O not examined; Priority III, 12 medical and 3 dental in I-O examined and acceptable, 28 medical and 4 dental in I-O not examined.

* * *

There are at least 72 court cases now being delayed pending the outcome of the Nugent and Packer Supreme Court cases. These will be heard by the Supreme Court the week of April 27, as now planned.

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At least 186 COs were convicted of violation of the draft act since 1948. About 48 of these are now in prison.

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The Mennonite Central Committee has sent letters of acceptance for employment with it to 229 I-W men. Of these, 69 were accepted for overseas work.

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The Brethren Service Commission has 116 I-W men assigned to it. They have accepted 124 additional I-W men who will be given employment in the near future.

Nugent & Packer Cases Are Now Before Supreme Court

Attorneys Alderstein and Covington are scheduled to argue the cases of Harry Nugent and Lester Packer before the Supreme Court sometime during the week of April 27.

These CO cases involve the very important question of whether or not it is proper to keep confidential the FBI report used in helping determine the classification to be given a registrant claiming I-O or I-A-O. Attorneys have long contended that since this information frequently helps precipitate a criminal charge against the man who is denied I-O or I-A-O, he should know the identity of the informants so that he could confront and question them.

The several Courts of Appeals throughout the U. S. have been unable to agree on this vital question of whether the FBI report should be made available to all concerned in the case. The Court of Appeals in the 6th Circuit held in the Loy Imboden case that the report need not be disclosed, and a few weeks ago the Court of Appeals of the 9th Circuit followed that decision in the Theron Elder case, stating "it seems essential that frankness on the part of persons interviewed be encouraged by assurance that their identity will not be divulged." However, the Court of Appeals in the 2nd Circuit recently held just the opposite in the Nugent and Packer cases, stating "Only if the Act be construed to require that the investigative reports shall become a part of the record open to the appeal board and all concerned is the 'system of selection — just and fair' within our Anglo-Saxon concepts of justice and due process."

The Government appealed these latter two cases and the Supreme Court agreed to hear them, after having previously turned down similar petitions in the Loy Imboden and Ted Head cases.

WHERE THEY SERVE

Over 100 I-W men with BSC are serving in 25 domestic and 5 foreign projects.

* * *

Over 150 COs are in the Denver, Colorado, area in General Rose Hospital, Jewish Consumptives Relief Society, St. Luke's Hospital, and Sister of Charity Hospital; over 100 in Topeka State Hospital, Kansas; about 40 in Larned, Kansas; about 30 in Ypsilanti, Michigan; 40 or more at Norristown, Pa.; about 40 at Newtown, Conn.; about 35 at a Veterans Hospital, Roseburg, Oregon; 25 or more in Cleveland, Ohio, area.

* * *

MCC has over 136 I-Ws in 36 domestic and 69 I-Ws in 20 foreign projects.

* * *

Dr. James O. Bond is serving with the Florida State Board of Health. Dr. Alfred Hollenberg is serving on the Jicarilla Apache Indian Reservation in Dulse, N. Mex. Dr. W. Newton Long is working with the Navajo Medical Center, Fort Defiance, Arizona, in obstetrics and gynecology. Dr. Galen R. Miller and Dr. Wenger are serving in Veterans Administration Hospital in Minot, N. Dak., according to recent word.

PRISON REPORT

(Continued from page one)

while the average time served was 11 months. The average sentence of 19 ROs released on parole during the year was 23.1 months and average time served before parole, 8.8 months. Among 14 JWs paroled, the average sentence was 27.6 months and average time served 8 months.

During the year, one PO, 8 JWs, and 6 ROs were denied parole.

SORRY!

Due to the heavy schedule of the NSBRO Executive Secretary the printing of "Statements of Religious Bodies on the Conscientious Objector" has had to be delayed. But we hope to have them out shortly.

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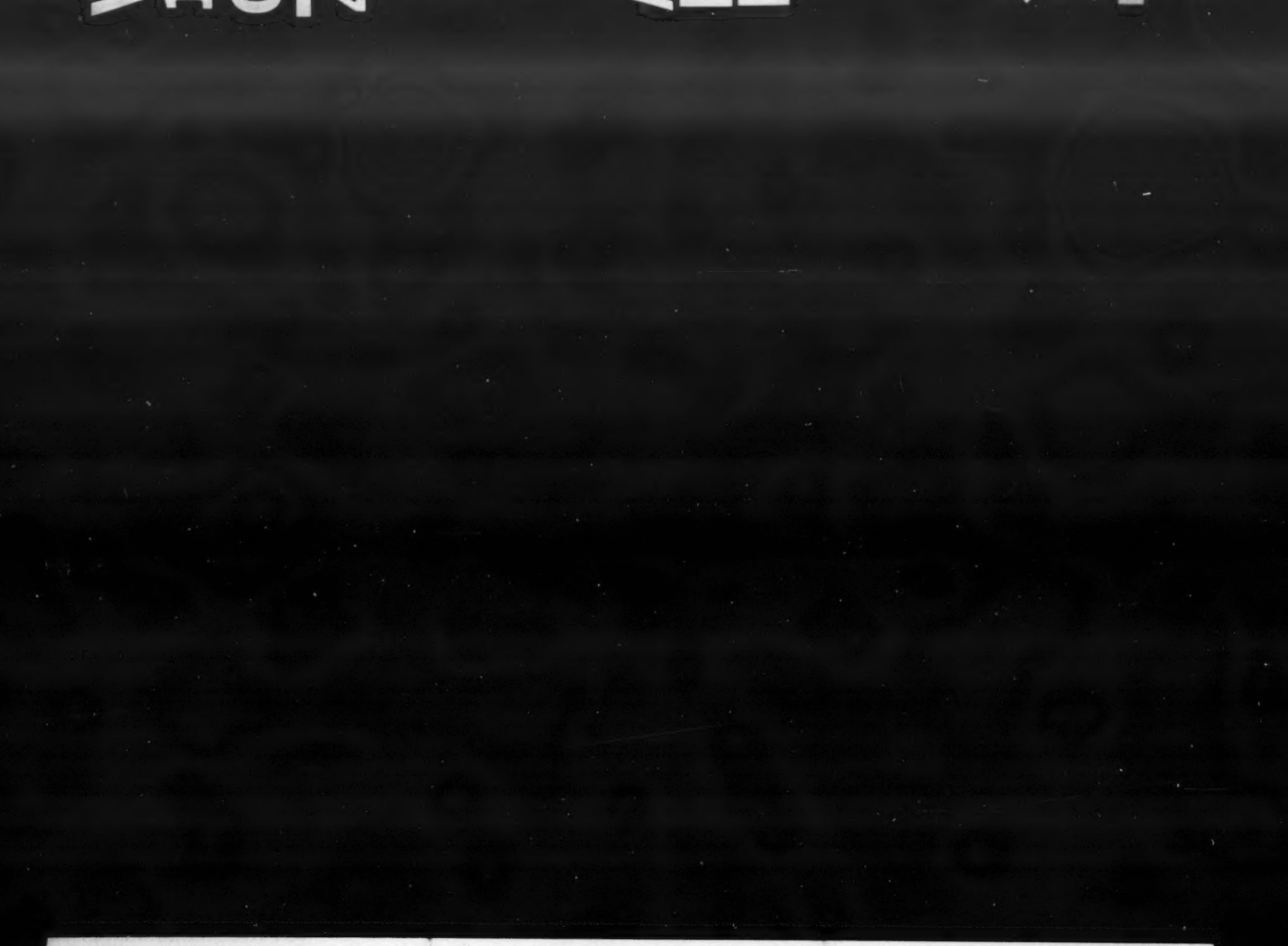
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